

RECEIVED

Jun 26 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas, Honorable David P. Caraker

Appellate Case No. 2026-000049

Horry County Case Number

Case No. 2020-CP-26-05267

25th Avenue, LLC,

Respondent,

v.

Carol Ann Honeycutt,

Appellant.

**APPELLANT'S MOTION TO RECUSE APPELLATE COURT
JUDGE KRISTI F. CURTIS FROM THIS APPEAL AND ALL OTHER APPEALS
IN WHICH CAROL ANN HONEYCUTT IS A PARTY**

This Motion to Recuse Judge Kristi F. Curtis can be explained simply by the fact that she does not follow the U.S. Constitution, the S.C. Constitution, the Statutes of South Carolina, the S.C. Code of Judicial Conduct, the South Carolina Judge's Oath., nor the ABA Model Code of Judicial Conduct. To quote Judge Curtis in her sworn testimony to the South Carolina Legislative Judicial Merit Selection Commission, "Many times I wish that, you know, I could just make Kristi Curtis law and I could make a ruling that is what I think best." (Transcript of Judge Curtis' testimony to the JMSC, page 23, lines 18 through 24, given on November 18, 2024.

Pursuant to SCAC Rules 501 and 502.1 this motion requests the Recusal of Appellate Judge Kristi F. Curtis from any and all appeals or cases in which Appellant/Defendant Carol

Ann Honeycutt is a party. Additionally, this motion requests the recusal of any and all other S.C. Appellate Court Judges, S.C. Supreme Court Judges, Chief Justice Beatty (retired), S.C. Circuit Court Judges, and all others with whom Judge Curtis or any other officers of the Court and employees of the Court who are connected to or have discussed the Appellant/Defendant, this appeal, any other appeal, and/or the underlying case in which Carol Ann Honeycutt is a party. **Exhibit 1** lists all officers and employees of the Court who have been involved with the underlying case, this appeal, and other appeals in which Carol Ann Honeycutt is a party.

**THE RECORDS OF THIS CASE ARE OFFERED
TO SUPPORT THIS RECUSAL MOTION**

Five documents, exhibits to this motion, support this Motion to Recuse Appellate Judge Curtis, and are presented and discussed in the following sections. In each of the following five sections, II through VI, the details supporting the recusal of Judge Curtis are drawn from case documents and are explained. In section I, below, Judge Curtis' prior experience in this case is documented.

I. Judge Curtis Has Prior (Negative) Experience with This Case.

First, Appellate Judge Curtis has engaged in the hearings and orders of the underlying case from Horry County, Case Number 2020-CP-05276. Therefore, she has previous knowledge and prejudice with the case in that she was the first judge to rule illegally against the Appellant/Defendant Carol Ann Honeycutt. Judge Curtis has been involved in the underlying Horry County Circuit Court Case since May 31, 2022. Her experiences were negative in that she was asked twice to recuse herself, twice she denied recusal, and twice her rulings were appealed. (The two appeals were incomplete for two different reasons.)

**II. Judge Curtis Ruled on a Motion She did NOT Hear; and,
She Ruled Against the Law and the Facts of the Case.**

This is covered in the Second Motion for Recusal: see paragraphs sixteen through twenty-

eight, pages 3-5, **Exhibit 7a**.

**A. Judge McCaslin Ruled on a Motion Which Did
Not Exist and She Did Not Hear.**

On June 30, 2022, after taking a proposed order written by Plaintiff's attorney Henrietta Golding, under advisement for 30 days, Judge Curtis signed the "Illegal Impossible Order," written by Henrietta Golding. See **Exhibit 2a**. It took a full month for Judge Curtis to yield to sign the illegal order. Judge Curtis signed an order on a motion which did not exist and which she never heard! Did Henriette Golding convince her that it would be beneficial to her career? In two short years, Judge Curtis landed on the Appellate Court of South Carolina! The facts of this action violate SCAC 501, Canon 2. B. A judge **shall** not lend the prestige of judicial office to advance the private interest of the judge or others It appeared that by advancing the private interest of Attorney Golding, Judge Curtis advanced rapidly along her career path.

The Defendant submitted two documents to Judge Curtis stating the law and the facts of the case which proved that this order was illegal and impossible. See **Exhibit 3**, Defendant's Answer to Motion to Amend Petition for Ejectment and Amended Complaint, filed May 31, 2022, 8:42 a.m., and **Exhibit 4**, the Defendant's proposed order submitted to Judge Curtis on June 1, 2022. Judge Curtis ignored the documents submitted by the Defendant, and signed the "Illegal Impossible Order."

Exhibit 2a., the Illegal Impossible Order, signed by Judge Curtis was an order for a motion she did not hear. This is documented in **Exhibit 2a.**, Line 1 which states, "During a non-jury term of court held via Webex, the Court heard, on May 31, 2022, **two motions**: Plaintiff's Motion for Ejectment Hearing filed October 20, 2020, and Plaintiff's Motion to Amend Petition for Ejectment filed September 17, 2021. See Exhibit 2b: The Webex Roster of Judge Curtis for May 31, 2022. There is only one line and one motion printed on that roster for this case. Additionally, the letter, **Exhibit 2c.**,

from Plaintiff's paralegal, Sheila Evans, gives notice of the hearing of only one motion to be heard on May 31, 2022, the Motion to Amend.

This "Illegal Impossible Order," **Exhibit 2a.**, violated the following laws. First, the Order was illegal for the above reason that Judge Curtis did not hear it. Second, it was illegal because Defendant was not given notice that such a motion would be heard, a violation of SCRCF Rule 5. Third, the Order was illegal because it violates the following law:

SCRCF Rule 43(l) states: "Subsequent Applications for Order After Refusal. If any motion be made to any judge and be denied, in whole or in part, or be granted conditionally, no subsequent motion upon the same state of facts shall be made to any other judge in that action."

Judge Curtis' Order was illegal because Plaintiff's Motion filed October 20, 2020, had already been heard and denied. This motion was heard and ruled on June 7, 2021, by Judge Steven H. John who wrote the Order of June 8, 2021, which DENIED the motion and ENDED THE CASE, 2020-CP-26-05267. See **Exhibit 5a**, Judge John's Order, and **Exhibit 5b.**, letter from Plaintiff's paralegal Sheila Evans which announced the hearing of the Motion of October 20, 2020, on June 7, 2021, and the Order of June 8, 2021. Fourth, the Order was illegal because the doctrine of settled law had been fulfilled. Plaintiff's attorney did not appeal Judge John's Order of June 8, 2021, nor did she file a Motion to reopen the case. Fifth, paragraphs 2 and 3 of the Order are filled with numerous falsified (perjured) statements which bear little resemblance to the true facts of the case. Paragraphs 4, 5, and 6 are excerpts of the law which omitted the requirement of S.C. Code 27-37-60 which requires a Trial of the Issues before the penalties are applied.

Judge Curtis' Order was impossible because there was no open "Motion for Ejectment Hearing" to hear and none to amend. **Exhibit 3** is Defendant's Answer to "[Plaintiff's] Motion to Amend Motion for Ejectment and the Amended Complaint." This Motion for an Ejectment Hearing could not be amended because it had already been heard, ruled on, denied, and the case was closed.

B. Judge Curtis Ruled Against the Law and the Facts of the Case.

Exhibit 3, Defendant's Answer, filed May 31, 2022, stated these facts in the Second Answer. The Third Answer reiterates this and points out that the Plaintiff's attorney perjured the motion and lied to the Court in stating that Magistrate Arakas ordered Defendant to pay \$14,000.00 for a bond and to pay rent. This is the sixth reason the the Order is illegal. Magistrate Arakas never wrote such an Order. The seventh reason is stated in the Fourth Answer. The original RULE TO VACATE filed in magistrate's court on February 11, 2020, was falsified because the defendant did not owe rent to the Plaintiff as alleged in the Complaint. Therefore, the original Complaint was filed in bad faith, and, additionally, the Complaint was not served on the Defendant. The Fifth, Sixth, and Seventh Answers enumerate the breeches of contract by the Plaintiff prior to serving the Rule to Vacate. In summary, the seven reasons that this Order was illegal goes back to the fact that no trial was held to adjudicate the law and the facts of this case.

Exhibit 4, Defendant's Proposed Findings and Order, was emailed to Judge Curtis on June 1, 2022. Additionally, this "Illegal Impossible Order," **Exhibit 2a.**, was both illegal and impossible because no "Ejectment Hearing" was scheduled, no "Ejectment Hearing" appeared on the roster, and therefore, no notice was given for an "Ejectment Hearing." (This violated the Fifth and Fourteenth Amendments which guarantee that no person will be deprived of life, liberty or property without due process of law; and, it violated SCRCF Rule 5: Any motion to be heard must appear on the roster and the Defendant must be given notice.) Defendant was ejected without any of these procedures being followed. Defendant was ejected without a trial required by S.C. 27-37-60. Defendant's findings restated the fact that only one motion was scheduled on the roster, and only one motion could be heard on May 31, 2022, and that was Plaintiff's Motion to "Amend Motion for Ejectment Hearing." This WEBEX hearing was not an ejectment hearing, not a breach of contract hearing, not a bond hearing. Defendant's documents stated that the Webex hearing violated the Defendant's U.S. Constitutional

rights to due process, and U.S. Constitutional rights to a trial, and South Carolina's Statutory Rights to a Trial, Statute 27-37-60 Trial of Issue. Defendant was deprived of her rights "to due process . . . and [her] property as stated in the Fifth Amendment to the U.S. Constitution. Defendant was deprived of her Seventh Amendments rights to a trial by jury in cases where the value in question exceeds twenty dollars. When Defendant was illegally evicted, she lost about eighty-five per cent of her property, a value estimated at approximately one million dollars in August, 2022.

III. DEFENDANT'S TWO MOTIONS TO RECUSE JUDGE CURTIS

As a result of Judge Curtis' illegal rulings, Appellant/Defendant Carol Ann Honeycutt wrote two motions to have Judge Curtis recused from the Circuit Court case 2020-26-05267. **Exhibit 6a.** is the Motion to Recuse Honorable Kristi Curtis filed on August 2, 2022. **Exhibit 7a.** is the Motion to Demand Disqualification and Recusal of Judge Kristi Curtis from Case Number 2020-CP-26-05267, filed on January 5, 2023.

A. August 2, 2022, Defendant's Motion,"Demand to Recuse the Honorable Kristi Curtis."

Exhibit 5.a. is the first motion for recusal, the Motion to Demand to Recuse Honorable Kristi Curtis. This was Denied on August 19, 2022. The Order Exhibit 5.b. states, "Honeycutt's Motion requesting recusal is hereby DENIED. Honeycutt has failed to set forth any . . . legally sufficient grounds in support of her motion for recusal."

It appears from the above order that Judge Curtis denied the Motion for Recusal because the Motion did not name or give the numbers for the the laws broken by her order. At that point in time, Defendant was trying to learn how to defend herself, Pro Se, and had not learned about the inclusion of the numbers of the laws. There are two categories of laws that are relevant to the recusals: the Canons of The Code of Judicial Conduct and the "laws" as defined in the Terminology section of The

Code of Judicial Conduct. Detailed below is an explanation of the Canons of the Code of Judicial Conduct which cover the laws that Judge Curtis violated. And, detailed in the next section are the statutory laws broken by Judge Curtis' orders.

SCAC Rules 501 and 502: The Code of Judicial Conduct

In the first motion to recuse Judge Curtis, the Defendant did not cite the canons of the Code of Judicial Conduct. However, the analysis of the laws Judge Curtis broke, provide proof of the violations of these cannons.

The first categories of laws, the Canons, are listed in SCACR Rule 501: The Code of Judicial Conduct. SCACR 502 is The Judge's Oath. Perhaps, Judge Curtis was looking for mention of these canons in the recusal when she wrote: "Honeycutt has failed to set forth any . . . legally sufficient grounds in support of her motion for recusal."

The following Canons from SCACR 501 and 502 describe Judge Curtis' violations of this Code. Canons 2. A. and 3. B (2) state that a judge **shall** "respect and comply" with the law . . . and . . . "be faithful to the law." The laws Judge Curtis broke, enumerated above, are so egregious, they fulfill the requirements of violations of several canons. Additionally, her rulings are so egregious, that they can only be understood in light of some underlying bias and partiality. Thus, the order meets the criteria of "evidence of judicial prejudice or bias. (See *Simpson v. Simpson* (2008) 377 S.C. 519, 524.) Certainly, her rulings question "the integrity and independence" of her decisions. The laws she broke indicate the violations of CANON 1. A. "A judge **shall** uphold the integrity and independence of the judiciary," Canon 2. B. ". . . a judge **shall not** . . . advance the private interest of the judge or others . . . , Canon 3. B. (2) " . . . a judge **shall not** be swayed by partisan interests, public clamor or fear of criticism . . . , and, Canon 3. B. (5) A judge **shall** perform judicial duties without bias or prejudice." If Judge Curtis denies that the above four statements apply to her rulings, then

there is only one explanation left. Canon 3. B. (2) states, "A judge **shall** be faithful to the law* and maintain professional competence in it." It is obvious that Judge Curtis was not faithful to the law. Therefore, the only remaining explanations of her unlawful rulings are a lack of "professional competence," or a lack of ethical fortitude.

Two key words in this Code are defined within the Code. The word **shall** is a key word in these canons. The Preamble of the Code of Judicial Conduct states: 'When the text uses "shall" or "shall not," it is intended to impose binding obligations the violation of which can result in disciplinary action [emphasis added].' The word **law*** is another key word defined in the Terminology section of this Code: "'Law" denotes court rules as well as statutes, constitutional provisions, and decisional law. See Sections 2A, 3A, 3B(2), 3B(6), 4B, 4C, 4D(5), 4F, 4I, 5A(2), 5A(3), 5B(2), 5C(1), 5C(3) and 5D.'

The list below are the canons which apply to the Curtis recusals.

SCACR 501: CANON 1. A. A judge **shall** uphold the integrity and independence of the judiciary.

CANON 2. A. A judge **shall** respect and comply with the law

CANON 2. B. A judge **shall** not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. . . . A judge **shall** not lend the prestige of judicial office to advance the private interest of the judge or others;

CANON 3. B. (2) A judge **shall** be faithful to the law* and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

CANON 3. B. (5) A judge **shall** perform judicial duties without bias or prejudice.

A judge must not independently investigate facts in a case and must consider only the evidence presented.

CANON 3. B. (7) A judge **shall** accord every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to the law. A judge **shall not** initiate, permit, or consider ex parte communications

CANON 3. B. (8) A judge **shall** dispose of all judicial matters promptly, efficiently and fairly.

The second category of laws are those to which the Defendant referred in the first motion to

recuse Judge Curtis. The Defendant did not name and give the number of the laws, but each law broken was described and each relevant fact of the case was documented. Surely Judge Curtis should have recognized a law when it was described! Instead, she feigned ignorance: Honeycutt has failed to set forth any . . . legally sufficient grounds in support of her motion for recusal." She chose to say that because Defendant did not give the numbers of the laws that she did not have to recognize the numerous laws she broke. Defendant specified some sources of laws violated by Curtis' orders: Specifically, Defendant listed the rights granted by the U.S. Constitution. It is confounding that Judge Curtis didn't notice a resemblance of rights she was violating egregiously to the rights granted by the U.S. Constitution.

Plaintiff's attorney wrote the Order of June 30, 2022. This order was filled with numerous examples of falsified information and violations of law. The Order listed three excerpts from S.C. Statute 27-37-150, 155(A)(1), and 155 (B)(3), but these were out of context of the entire statute which requires Code 27-37-60, Trial of Issue, prior to the application these. The Illegal Impossible Order of June 30, 2022, violated the Defendant's U.S. Constitutional rights to due process, and U.S. Constitutional rights to a trial, and South Carolina's Statute 27-37-60. Did Judge Curtis forget the laws she covered in the real estate seminar she gave? In her answer to the Personal Data Questionnaire 2024 for her Application for Seat Two on The South Carolina Court of Appeals, submitted to the Legislative Judicial Merit Selection Commission, question 2', Judge Curtis states, 'I have spoken on the topics "Real Estate & Landlord/Tenant Law."' (See Exhibit 9, page 2, (ii).)

Finally, how did Plaintiff's attorney Henriette Golding manage to induce Judge Curtis to sign this Illegal Impossible Order? Could the answer lie in CANON 2. B. A judge **shall** not lend the prestige of judicial office to advance the private interest of the judge or others . . . ? Just two short years after Judge Curtis signed this Illegal Impossible Order she advanced to her current position as

South Carolina Appellate Court Judge. (Continued on page .)